

OFFICIAL COPY

Fresno, California

January 29, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

City Manager Hobbs gave the invocation, and Stacey, a student from St. Helen's School, led the Pledge of Allegiance to the Flag.

PROCLAMATION OF OLYMPIC TORCHBEARERS DAY - COUNCILMEMBER RONQUILLO

PROCLAMATION OF CRIME STOPPERS MONTH - COUNCILMEMBER DUNCAN

RECOGNITION OF DISTRICT 7 STUDENTS FOR 2001-2002 - PRESIDENT PEREA

RESOLUTION OF COMMENDATION TO GEORGE E. GRANDISON - COUNCILMEMBER QUINTERO

The above proclamations and commendations were read and presented.

PRESENTATION BY ACTING PRESIDENT CASTILLO AND THE SECRET SERVICE TO THE AIRPORT  
PUBLIC SAFETY STAFF

Removed from the agenda.

- - - -

The City Council recessed at 9:14 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JANUARY 15 AND 22, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the Agency minutes of January 15 and 22, 2002, approved as submitted.

(“A”) HEARING TO CONSIDER ACTIONS RELATING TO THE DEVELOPMENT OF A MEDICAL EDUCATION AND RESEARCH CENTER AND RELATED PARKING AND LANDSCAPING ON PROPERTY GENERALLY BOUND BY FRESNO, HOWARD, ILLINOIS AND DIVISADERO STREETS WITHIN THE REGIONAL MEDICAL CENTER CAMPUS (JOINT ACTIONS)

1. APPROVE AMENDMENT NO. 1 TO THE 1995 DEVELOPMENT AGREEMENT AND LAND SALE DOCUMENT BETWEEN COMMUNITY MEDICAL CENTER, THE AGENCY AND THE CITY
2. JOINT RESOLUTION - APPROVING THE AGREEMENT FOR TRANSFER AND DEVELOPMENT OF PROPERTY (AGREEMENT) BETWEEN THE AGENCY, CITY AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE DEVELOPMENT OF A MEDICAL EDUCATION AND RESEARCH CENTER WITHIN THE REGIONAL MEDICAL CENTER CAMPUS, AND MAKING CERTAIN FINDINGS
3. AUTHORIZE AGENCY AND CITY STAFF TO NEGOTIATE AND EXECUTE ANY OTHER DOCUMENTS NECESSARY TO CARRY OUT THE AMENDMENT AND THE TRANSFER AGREEMENT INCLUDING, WITHOUT LIMITATION, ESCROW INSTRUCTION, GRANT DEEDS AND RELEASE OF REVERTER/MODIFICATION OF DEED COVENANTS (CONTINUE TO FEBRUARY 5, 2002, AT 8:30 A.M.)

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled hearing continued to February 5, 2002, at 8:30 a.m., by the following vote:

Ayes	:	Boyajian, *Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

\*Note: On 2/5/02, during approval of the minutes, Councilmember Calhoun noted he should have recused himself from the vote due to a potential conflict of interest.

- - - -

The joint bodies adjourned their meeting and the City Council reconvened in regular session at 9:15 a.m.

APPROVE CITY COUNCIL MINUTES OF JANUARY 15 AND 22, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of January 22, 2002, approved as submitted, and the minutes of January 15, 2002, *approved as amended* on Page 139-24, correcting the vote on Item “C” to show Councilmember Calhoun as “Recused.” instead of voting “Aye”.

- - - -

**APPROVE AGENDA:**

(11:15 A.M.) “A” APPROVE THE SECOND QUARTER REPORT OF THE CONVENTION AND VISITORS BUREAU (CVB) - COUNCILMEMBER DUNCAN

City Clerk Klisch corrected the title to read “ACCEPT” the report instead of “APPROVE”. So noted.

(2:30 P.M.) REVIEW AND ACCEPT THE IMPACT FEE ANNUAL REPORT AS REQUIRED BY THE CALIFORNIA GOVERNMENT CODE

Continued to February 12, 2002.

(3:15 P.M.) APPEARANCE BY JOLENE POLKYACK, RMC PACIFIC MATERIALS, TO DISCUSS A PROPOSAL TO MINE AGGREGATE FROM JESSE MORROW MOUNTAIN (EIGHT MILES EAST OF DANGER ON HIGHWAY 180)

Removed from the agenda at the request of the applicant.

(1A-7b.) CONSIDER ALIGNMENT AND WIDTH OF PROPOSED PUBLIC STREETS FOR AN 8-PARCEL INDUSTRIAL DEVELOPMENT PROPOSED BY LISA K. OUINET-MONACO ON THE SOUTHWEST CORNER OF W. HERNDON AND N. GOLDEN GATE BOULEVARD

Removed from the agenda at the direction of staff and the applicant.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the AGENDA hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

- - - -

**ADOPT CONSENT CALENDAR:**

(1A-1a.) \* **RESOLUTION NO. 2002-24** - 71<sup>ST</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$86,600 TO COMPLETE FUNDING FOR TRAFFIC SIGNAL WORK AT CEDAR AND BELMONT AVENUES  
1. AWARD A CONTRACT TO A-C ELECTRIC COMPANY IN THE AMOUNT OF \$149,034 FOR TRAFFIC SIGNAL UPGRADE AT CEDAR AND BELMONT AVENUES

(1A-1b.) REJECT THE BID RECEIVED FOR MICROFILMING SERVICES BECAUSE PRICING IS MORE THAN DOUBLE THE EXISTING CONTRACT PRICING (136%)  
1. **RESOLUTION NO. 2002-25** - AUTHORIZING THE PURCHASING MANAGER TO NEGOTIATE A ONE-YEAR INTERIM CONTRACT UNDER THE SOLE SOURCE EXCEPTION WITH DELTA MICROIMAGING TO PROVIDE CONTINUATION OF MICROFILMING SERVICES FOR BUILDING AND SAFETY, RECORDS, ACCOUNTING/FINANCE AND HUMAN RESOURCES DIVISIONS WITHOUT ADVERTISED COMPETITIVE BIDDING UNTIL SCANNING IS FULLY IMPLEMENTED

(1A-1c.) AWARD A CONTRACT FOR THE BASE BID AND ADD-ALTERNATE 1 (PVC PIPE) AS THE LOWEST COMBINATION OF THE BASE BID AND EITHER ADD-ALTERNATE TO SANCHEZ GRADING OF FRESNO, THE AMOUNT OF \$41,758.22 FOR INSTALLATION OF A 12" WATER MAIN IN W. VOORMAN AVENUE NORTH OF NEILSEN

(1A-1d.) APPROVE RISK MANAGEMENT LIABILITY FUND TRANSFER  
1. \* **RESOLUTION NO. 2002-26** - 77<sup>TH</sup> AMENDMENT TO AAR 01-200 TRANSFERRING \$4,450,000 FROM CONTINGENCY TO SETTLE POTENTIAL LIABILITY CLAIMS TO THE END OF FISCAL YEAR 2002

**(1A-1e.) \* RESOLUTION NO. 2002-27 - 10<sup>TH</sup> AMENDMENT TO SALARY RES. 01-199 RETITLING THE CLASS OF POLICE CADET TO POLICE CADET I, CREATING THE CLASS OF POLICE CADET II, ELIMINATING THE CLASS OF SPECIAL GUARD, AMENDING THE SALARY RESOLUTION NARRATIVE TO REFLECT THE ABOVE ACTIONS, AND ADJUST THE HOURLY WAGE OF POLICE CADET I**

**(1A-1f.) \* RESOLUTION NO. 2002-28 - 13<sup>TH</sup> AMENDMENT TO PAR 01-201 TRANSFERRING ONE POSITION FROM UTILITIES BILLING AND COLLECTIONS DIVISION TO THE HUMAN RESOURCES OPERATIONS DIVISION**

**(1A-2a.) \* RESOLUTION NO. 2002-29 - 73<sup>RD</sup> AMENDMENT TO AAR 01-200 TRANSFERRING \$15,600 OF APPROPRIATION AUTHORITY FROM CONTINGENCY TO EMPLOYEE SERVICES FOR THE ADDITION OF ONE LEGAL SECRETARY I/II POSITION AS CREATED IN THE FY 2002 BUDGET**

**(1A-5a.) CONSIDER CONTINUATION OF RESOLUTION NO. 01-337 WHICH PROCLAIMED A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT BASED UPON THE THREAT OF ENEMY ATTACK OR SABOTAGE**

**1. RESOLUTION NO. 2002-30 - CONTINUING RES. 01-337 WHICH PROCLAIMED A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT BASED UPON CONTINUING EXISTENCE OF FACTS AND CIRCUMSTANCES OF THE THREAT OF ENEMY ATTACK OR SABOTAGE**

**(1A-7a.) RESOLUTION NO. 2002-31 - APPROVING THE FINAL MAP OF TRACT NO. 4743 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PHASE 2 OF VESTING TENTATIVE MAP NO. 4473/UGM 531 LOCATED ON THE EAST SIDE OF N. POLK BETWEEN W. DAKOTA AND W. ASHLAN AVENUES**

**1. AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE; AND**

**2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, STATEMENT OF COVENANTS FOR PLANTING AND MAINTAINING FRONT YARD TREES, AND STATEMENT OF COVENANTS FOR RIGHT TO FARM**

**(1A-11a.) \* RESOLUTION NO. 2002-32 - 70<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$118,000 IN THE "POST" FUND FOR POLICE DEPARTMENT TRAINING USES**

**(1A-13a.) RESOLUTION NO. 2002-33 - DEDICATING CERTAIN CITY-OWNED PROPERTY AT BELMONT AND GARDEN AVENUES FOR PUBLIC STREET PURPOSES**

**(1A-13b.) ADOPT RESOLUTION OF INTENTION NO. 1026-D VACATING THE REMAINING PORTIONS OF "F" STREET AND THE "E-F" ALLEY SOUTHEASTERLY FROM SANTA CLARA STREET AND SETTING THE PUBLIC HEARING FOR FEBRUARY 26, 2002, AT 10:00 A.M.**

**(1A-14a.) ACCEPT SUBMISSION, FOR INFORMATION PURPOSES, OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORTS (CAFR) REGARDING THE FINANCIAL ACTIVITIES OF THE CITY OF FRESNO RETIREMENTS SYSTEMS FOR THE FISCAL YEAR ENDING JUNE 30, 2001**

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**CONSENT CALENDAR - BILLS FOR INTRODUCTION:**

**(1B-1) \* BILL NO. B-8 - AMENDING SECTION 2-1853 OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE COMMUNITY PROPERTY STATUS OF THE POST-RETIREMENT SUPPLEMENTAL BENEFIT (PRSB)**

**a. \* BILL NO. B-9 - AMENDING SECTION 2-1745 OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE COMMUNITY PROPERTY STATUS OF THE POST-RETIREMENT SUPPLEMENTAL BENEFIT (PRSB)**

**(1B-2) \* BILL NO. B-10 - AMENDING SECTIONS 2-1738, 2-1739, 2-1740, 2-1738a, 2-1739a AND 2-1740a OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE STATUS OF LEGALLY SEPARATED SPOUSES**

**a. \* BILL NO. B-11 - AMENDING SECTIONS 2-1846, 2-1847 AND 2-1848 OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE STATUS OF LEGALLY SEPARATED SPOUSES**

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill Nos. B-8, B-9, B-10 and B-11 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

**UNSCHEDULED ORAL COMMUNICATIONS:**

APPEARANCE BY GILBERT SERVIN REQUESTING ASSISTANCE WITH LEGAL ACTION TAKEN BY THE CITY AGAINST HIS COMPANY, ALPHA HOUSE, AND TO BRING IN A THIRD PARTY

**(2 - 0)** Appearance made and upon question of President Perea as to how to proceed, City Attorney Montoy advised the matter was scheduled for closed session \*this date and Mr. Servin's request could be discussed at that time. \*At the conclusion of oral communications Ms. Montoy clarified the matter was removed from today's agenda but would be scheduled for closed session next Tuesday, February 5<sup>th</sup>. There was no further discussion.

APPEARANCE BY BARBARA HUNT REGARDING (1) THE FY 2000 BUDGET SHORTFALL AND (2) THE LEGALITY OF THE REDEVELOPMENT AGENCY

Appearance made; no action taken.

- - - -

**(5B) DIRECT STAFF TO INVESTIGATE THE POSSIBILITY OF IMPOSING FEES TO MONITOR AND REGISTER VACANT AND BLIGHTED BUILDINGS/HOMES IN THE CITY OF FRESNO - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian stated vacant buildings were a real problem and a major cause of blight in neighborhoods and commercial areas; stressed he was real frustrated with the inability to eradicate or mitigate the problem; further expanded on the issue and stated he felt property owners had a responsibility to maintain their properties; and clarified his intent was to have a tougher ordinance and make people monitor their properties or lose their responsibility in ownership. Upon question of President Perea City Attorney Montoy confirmed public nuisance and vacant building ordinances were already in place, stated Councilmember Boyajian’s proposal would be an added tool and would assist staff in enforcing vacant buildings that were public nuisances, and clarified the motion would be to amend the current ordinance to allow for the monitoring and registration process, whereupon a motion and second was made. Councilmember Boyajian further clarified he wanted to give direction to go all the way and questioned what needed to be done mitigate the problem when the property owners do not comply, with Ms. Montoy responding.

Lengthy discussion ensued on the problem, current ordinances, vacant properties dealt with on a case-by-case basis based on various factors, need to put more teeth into the ordinances, Councilmember Calhoun stating his support, commenting on the problem in his area, and stating the problem indicated failure on the city’s part, Councilmember Ronquillo commenting on the issue, expressing his concern stating he’s heard the same story over and over, and stating the ordinances were toothless and stressed there had to be a more proactive way for staff to deal with the issue, Councilmember Quintero suggesting owners be required to register their properties annually and pay some type of fee, Ms. Montoy responding to questions of Councilmember Duncan relative to how this direction would change the ordinance (outside of the fee) and how it would be a better tool, if the ordinance would affect every rental or only blighted vacant properties, and who would determine when a property sat vacant for 90 days, Councilmember Duncan stating he supported the elimination of blight but did not think this would deal with the problem as every rental would be targeted and have to be monitored resulting in increased bureaucracy adding Council needed to take a more aggressive stand and give direction for a more aggressive ordinance, City Manager Hobbs reading an e-mail sent to Councilmember Calhoun on the issue of code enforcement and stating staff will be as proactive as Council lets them be, and Councilmember Boyajian stating the issues were how to be more effective with existing ordinances, putting more teeth into the ordinances, and owners taking care of property they own. Ms. Montoy responded to questions of Councilmember Quintero relative to mobile home parks being under the jurisdiction of the State, and Councilmember Quintero requested staff look into adding a provision in the ordinance that would allow the City to work with the State on vacant mobile home parks. Councilmember Ronquillo thanked the city manager for his position on the matter.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, staff directed to investigate and return with amendments to the current ordinance(s) to impose fees to monitor and register vacant and blighted buildings/homes in the city of Fresno, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

- - - -

**(9:45 A.M.) RESOLUTION NO. 2002-34 - ISSUING THE ENDORSEMENT OF “CALIFORNIA’S NEW FRONTIER” THEME FOR FRESNO - COUNCILMEMBER CALHOUN**

Councilmember Calhoun gave a brief overview of the issue, advised the Chamber of Commerce had put a lot of work and study into how to market Fresno in a broad sense, and stated he hoped Council would support the resolution.

Speaking to the issue were: Eric Johnson, Chamber of Commerce, who explained the creation, coordination and development of the “California’s New Frontier” brand; Howard Growden, Growden Marble and Co., 1236 S. Parallel, who questioned how the “new frontier” theme would affect public art, i.e. the freeway mosaics; Barbara Hunt, 612 “F” Street, who spoke to the need to preserve California’s history; and Dave Sparr, EDC, who stated this effort recognized Fresno as the central location of California and would not change the image of California.

**(3 - 0)** Councilmember Ronquillo commented on the issue stating “new frontier” captured the image of new which Fresno was not and stated it was important to make clear and attach an explanation on why Fresno was being branded California’ new frontier. Councilmember Calhoun clarified this was a marketing theme and would in no way negate art or California’s history, and made a motion to adopt the resolution, which was seconded and acted upon after additional discussion. Councilmember Boyajian stated he saw this as an attitude change and expressed his support stating Fresno *was* a new frontier, and stressed the city was finally doing things that needed to be done and commended the Chamber of Commerce. Acting President Castillo and President Perea commented and/or presented questions relative to funding for the marketing campaign, phases and funding plans and timelines, the theme tying into downtown development, if this was being incorporated into city hall’s theme, coordination, and “new frontier” giving an image of wagons, and the message that sent and getting away from that message, with Mr. Johnson and City Manager Hobbs responding to questions.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-34 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

**(10:00 A.M.) CONTINUED HEARING ON CONDITIONAL USE PERMIT (CUP) NO. C-01-244, FILED BY DERREL’S MINI STORAGE, PROPERTY LOCATED AT 4660 E. DAKOTA AVENUE (DISTRICT 4)**

- 1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT (E.A.) NO. C-01-244**
- 2. RESOLUTION NO. 2002-35 - APPROVING CUP NO. C-01-244**

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff’s recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. C-01-244, dated December 12, 201, hereby approved, and the above entitled Resolution No. 2002-35 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

**(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-01-046, CONDITIONAL USE PERMIT (CUP) NO. C-01-199, AND ENVIRONMENTAL FINDINGS, FILED BY JORDAN FREEMAN, PROPERTY LOCATED ON THE SOUTH SIDE OF W. SAN JOSE BETWEEN N. GATES AND N. BRAWLEY AVENUES (DISTRICT 2)**  
**1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT (E.A.) NO. C-01-199**  
**2. BILL NO. B-12 - ORDINANCE NO. 2002-8 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-M/UGM TO S-L/UGM**  
**3. RESOLUTION NO. 2002-36 - APPROVING CUP NO. C-01-199**

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. C-01-046, C-01-199, dated December 10, 2001, hereby approved; the above entitled Bill No. B-8 approving Rezone Application No. R-01-046 adopted as Ordinance No. 2002-8, subject to execution of a covenant agreement agreeing to the following conditions of approval: (a) Provide mitigation measures as indicated in the Metropolitan Flood Control District memorandum dated December 5, 2001; (b) Provide an 8-foot high solid masonry wall or equivalent building design 30 feet from the north property line, (c) Loading and unloading shall be done in enclosed areas only and only between the hours of 8:00 a.m. and 7:00 p.m. on weekdays and between 9:00 a.m. and 7:00 p.m. weekends, (d) Prohibit the use of outdoor public address systems or telephone ringers, (e) Provide heavy landscaping in the area between the wall or buildings and the north property line, and (f) develop the site in substantial conformance with Exhibits A and B of CUP No. C-01-199; and the above entitled Resolution No. 2002-36 approving CUP No. C-01-199 hereby adopted, subject to the above conditions of approval, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

**(5C) DETERMINATION TO HOLD A PUBLIC HEARING TO REVIEW THE PLANNING COMMISSION'S ACTION OF 1/16/02 ON VARIANCE APPLICATION NO. V-01-199, FILED BY PRODUCERS DAIRY - COUNCILMEMBER RONQUILLO**



Councilmember Ronquillo made a motion to set a Council hearing and Planning Manager Beach requested three weeks be allowed for noticing.

Barbara Hunt, 612 “F” Street, spoke in support of Producer’s request.

Brief discussion ensued and/or questions were presented on staff’s perspective for holding or not holding a hearing, staff’s position being enforcement of existing landscape requirements, Councilmember Ronquillo clarifying the issue was hearing what Producers could do on the landscaping, if there were any constraints on when or why an issue could be appealed, if hearings were set as a courtesy to the district council member, and need to establish guidelines on setting hearings with Mr. Beach and City Attorney Montoy responding to questions. Councilmember Calhoun stated he would support the motion as there were no guidelines, and Councilmember Ronquillo stated council members responded to requests of constituents and Producers was requesting a hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, a hearing to review the Planning Commission’s action of 1/16/02, on Variance Application No. V-01-199 set for February 26, 2002, at 2:30 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

**(10:30 A.M.) RESOLUTION NO. 2002-37 - SUPPORTING PROPOSITION 40, THE CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT, FOR RESOURCE OPPORTUNITIES TO THE CITY OF FRESNO AND THE SAN JOAQUIN RIVER CONSERVANCY FOR PROJECTS WHICH CENTER AROUND THE GOAL OF THE CONSERVANCY SUCH AS ACQUISITION, DEVELOPMENT, REHABILITATION, RESTORATION AND PROTECTION OF LAND AND WATER RESOURCES - ACTING PRESIDENT CASTILLO**

Reviewed by Acting President Castillo who stated Proposition 40 would allow the city to continue to purchase property and preserve land already acquired. Parks and Recreation Director Primavera explained how the city benefitted from Proposition 12 by enhancing and restoring park facilities and advised staff supported the resolution.

Dave Koehler, San Joaquin River Parkway and Conservation Trust, requested Council’s support for Proposition 40 and gave an overview of the bond act and what it would allow and provide for the parkway.

A motion and second to adopt the resolution was acted upon after additional discussion.

Continued speakers were: Barbara Hunt, 612 “F” Street, support; and Matt Rivera, opposed due to the debt that would be created.

Councilmember Duncan spoke in opposition stating he was very concerned with the fiscal health of the State and he did not think Fresno would get what was being advertised, and Councilmember Boyajian, President Perea and Acting President Castillo spoke in support citing the need for parks and quality of life.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-37 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

- - - -

**(10:35 A.M.)** CONTINUED HEARING ON REZONE APPLICATION NO. R-01-42 AND ENVIRONMENTAL FINDINGS, FILED BY AMERICAN CAMPUS - TITAN LLC, FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF E. BARSTOW AND N. TENTH STREET, WEST OF N. CEDAR AVENUE - 1680 E. BARSTOW AVENUE (DISTRICT 4)

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-42**

**2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-C TO R-3/UGM**

President Perea announced the time had arrived to consider the issue and opened the hearing, and Planning Manager Beach reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Stuart Davis, American Campus-Titan, who reviewed their project **(4 - 0)** and requested support; Jean Allen, 5508 N. Seventh, University Portals, opposed until Fresno State provides adequate parking for stadium events; George Vivid, 1295 E. Loftus Lane, opposed; Jane Gunnet, 5701 N. Flora, University Portals, opposed; Barbara Hunt, 612 "F" Street; and T. R. Domo, Manager Owner, Arbor Place Apartments, opposed.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Mr. Beach, City Attorney Montoy, Planner Gerster and Mr. Davis responded to questions of Councilmember Ronquillo and Acting President Castillo and/or clarified issues relative to whether the apartments would be rented to anyone (with Mr. Beach clarifying they would be for students only), parking, need for Fresno State to address parking problems in the area, exclusive student housing and statistics on demand for, joining in a lawsuit against Fresno State to provide parking, City Manager Hobbs suggesting an annual or bi-annual "town-gown" meeting to discuss friction issues associated with colleges and universities and to strengthen the partnership with Fresno State as it was an incredibly valuable asset to the community, need for adequate student housing, need to talk with Fresno State on to solve problems, number of bedrooms/units proposed, the stadium EIR calling for a parking structure and the City being unable to tell Fresno State what to do, Mr. Hobbs' suggestion for a meeting being very appropriate, and the parking need being greater than what the project would provide.

Acting President Castillo stated parking and the fact that the project had not been discussed with him was of concern to him, stated he wanted to meet with the developer, the University Portals residents and Fresno State to try to reach a suitable arrangement for all, acknowledged this was a good project for the area but he would have a concern, if the project moved forward, with the three story units and would like to see two stories which would reduce the number of required parking spaces, stated this project may force other complexes to upgrade and explained, and made a motion to table the matter one month to meet with all involved.

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the hearing on Rezone Application No. R-01-42 filed by American Campus-Titan LLC tabled one month and Acting President Castillo to meet in the interim with the developer, Fresno State officials and the University Portals on concerns to try to reach agreement, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Perea
Noes	:	Calhoun, Duncan, Ronquillo
Absent	:	None

Councilmember Duncan offered his observations to Acting President Castillo at a later time stating his son at one time lived in the Bulldog Lane Apartments, and Councilmember Boyajian questioned why a traffic study had not been conducted.

- - - -

**(10:45 A.M.) PRESENTATION BY THE COUNCIL OF FRESNO COUNTY GOVERNMENTS (COG) REGARDING RAIL CONSOLIDATION UPDATE CONSULTATION REPORT**

Clerk Thompson, COG, introduced Greg Chito of HDR Engineering, the consultant who was retained to perform the study, and gave a brief overview of the issue. Mr. Chito gave a power point presentation on the draft final rail consolidation study for the Fresno Metropolitan Area **(5 - 0)**.

Barbara Hunt, 612 "F" Street, spoke in opposition to consolidation citing the cost. Councilmember Ronquillo left the meeting at 11:50 a.m.

Chief Engineering Technician Madewell and City Attorney Montoy responded to questions and/or comments of President Perea and Councilmember Boyajian and/or clarified issues relative to timeframe for using Measure C funds earmarked for consolidation (should the extension pass), value in shortening the timeframe from fifteen years to five or less due to cost increases, the original agreement with BNSF and the railroad being completely absolved of any financial responsibility, need to get to a decision point as soon as possible, need for the City to sit down and talk/negotiate with the railroad on the cost issue, COG's recommendations to negotiate first with Union Pacific and then sit down with BNSF, need to coordinate efforts between all the entities, policy decision relative to rail consolidation resting with Council, the willingness of the two railroads to even consider consolidation being a real issue, if agreement was close with the smaller cities on Measure C, Council access to COG's report, and the railroads stating they are willing to work and talk with the City. Councilmember Calhoun advised he and Councilmembers Ronquillo and Castillo met with staff and were close to bringing something on Measure C to vote on. There was no further discussion.

- - - -

**(11:15 A.M. "A") ACCEPT SECOND QUARTER REPORT OF THE CONVENTION AND VISITORS BUREAU - COUNCILMEMBER DUNCAN**

Councilmember Duncan briefly reviewed the background of the issue and how he felt it would be appropriate for the CVB to give a mid year update on the performance measures agreed upon.

Convention Center Director Valdez gave a brief overview of the staff report as submitted, and Lloyd Kennedy, Executive Director, Convention and Visitors Bureau, reported on the performance measures.

Barbara Hunt, 612 “F” Street, spoke to the issue.

Mr. Kennedy responded to questions, comments and concerns of Councilmember Duncan relative to the performance measures and not meeting goals, when plans would be completed/submitted for utilizing Cable Channel 14 to increase media exposure for special events and increasing efforts with FYI to promote and improve air travel, other objectives with no plans and reasons therefor, the plan to increase participation by other municipalities in funding the CVB, goal to increase revenue from Bureau memberships, lack of effort/ignoring the area of tourism and need for the CVB to make tourism/travel more important than it appears to be with the organization, holding the CVB accountable for the performance standards agreed to, **(6 - 0)** and need for collaboration to help move the city forward. Mr. Kennedy advised the film commission issue was discussed at the last Board meeting and there seemed to be consensus to see if there could be one film commission instead of two and that another meeting was scheduled for Friday between the Supervisors, Mayor Autry and the CVB President to see if the issue could be reconciled.

A motion and second to accept the report was made and acted upon after additional discussion. Councilmember Calhoun thanked Councilmember Duncan for bringing up certain points, stated if plans were promised they needed to be delivered, noted the discussion was good and he felt things were moving in the right direction, and stated at some time in the future he wanted to see more information and have someone talk about engagement of the CVB Board/how it functions and direction and oversight provided. Mr. Kennedy responded to questions of Councilmember Boyajian and/or clarified issues relative to lack of marketing/advertising Fresno’s amenities and events, the Visitor’s Guide, need for the CVB to help turn the image of Fresno around, Mr. Kennedy’s role/working relationship with the Board, and the report being confusing. Councilmember Castillo stated he hoped Council would also be asking the same tough questions of staff at the mid year fiscal review so everyone realizes Council means business. Mr. Kennedy responded to questions and/or comments of Councilmembers Quintero, Calhoun and President Perea relative to including in the report the CVB’s small budget figures as compared to other cities, the CVB providing, for Council’s and the community’s information, a presentation like those given to promote Fresno and at trade shows, strong discussions that occur at Board meetings on the CV’s operation and funding, need to set goals that are realistic, Council holding not just staff’s but also agencies’ feet to the fire, and Fresno County not being an equal partner relative to funding the CVB and possible need to change the structure of the bureau if the County is not prepared to match the City dollar for dollar.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Second Quarter Report of the Convention and Visitors Bureau hereby accepted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

**(11:15 A.M. “B”)** REQUEST CITY COUNCIL TO CONSIDER AND TAKE ACTION TO REMOVE THE CLAUSE WHEREBY THE VISITORS BUREAU AGREES NOT TO “SOLICIT” THE FILM INDUSTRY TO MAKE FILMS IN THE FRESNO AREA - COUNCILMEMBER QUINTERO

Councilmember Quintero noted there had been an agreement to strike the clause written up for the film commission in the agreement, and Mr. Kennedy explained the reason for the removal of the clause and the discussion that occurred at the Board meeting, reiterated a meeting would be held on Friday where he hoped the issue would be resolved, and advised the direction he got from his Board was to request the City Council to strike the clause from the contract. Noting there would be a meeting on Friday where agreement could possibly be reached, Councilmember Quintero made a motion to table this issue until after Fridays meeting.

On motion of Councilmember Quintero, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled matter tabled pending the outcome of the meeting scheduled for February 1, 2002, between the CVB, the Mayor and the Board of Supervisors, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

Upon question of Councilmember Calhoun, President clarified any change to the contract, if agreed to by all parties at the meeting, would have to be brought to Council for action.

- - - -

#### **LUNCH RECESS - 12:53 P.M. - 2:00 P.M.**

#### **(2:00 P.M. #2) CLOSED SESSION:**

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME:

2. CITY OF FRESNO V. COLEMAN, ET AL.; CITY OF FRESNO V. UNION PACIFIC RAILROAD COMPANY, ET AL.; CITY OF FRESNO V. CHERTA FARMS, INC., ET AL - PRESIDENT PEREA

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 2:39 p.m. with all members present.

- - - -

#### **(2:00 P.M. #3) STATUS REPORT ON CONDEMNATION PROCEEDINGS IN CHERTA FARMS, INC., COLEMAN AND UNION PACIFIC RAILROAD COMPANY - PRESIDENT PEREA**

President Perea advised the matter was just discussed in closed session and reported a very productive discussion occurred, the City was proceeding appropriately, and things were going well.

- - - -

#### **(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:**

(1A-8a.) **RESOLUTION NO. 2002-38 - AUTHORIZING THE PURCHASE OF 150 UNITS OF SURVIVOR SELF-CONTAINED BREATHING APPARATUS (SCBA) AND AUXILIARY EQUIPMENT BY THE FIRE DEPARTMENT WITHOUT ADVERTISED COMPETITIVE BIDDING**

City Manager Hobbs, Fire Chief Smith and City Attorney Montoy clarified issues and/or responded to questions and concerns of Councilmember Calhoun relative to reasons for the sole source purchase, the equipment being “required” for the department (as stated in the staff report) and who determines that, why Council was not provided with other options and price differentials to make an informed decision, if the City Attorney’s office was included in the process and was comfortable with the sole source purchase, and request for more detailed information on reasons for sole sourcing in future staff reports.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-38 hereby adopted, and the City Controller authorized to secure appropriate lease/purchase financing for the Survivor SCBA and associated equipment, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

**(1A-11b.) RESOLUTION NO. 2002-39 - APPROVING THE APPLICATION FOR FY 2002 GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE “GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS” PROGRAM AND AUTHORIZING THE EXECUTION OF DOCUMENTS**

Police Chief Dyer responded to questions of Councilmember Castillo relative to whether ongoing funding sources would be requested once the grant expires in two years, request for staff to include information relative to whether they will be requesting funds to continue funding viable programs that are good for the community, and need to identify funding sources for grants that are expiring.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-39 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

City Manager Hobbs commented on grant positions and advised stated he was going to suggest a rider be included specifying this was a two year program only and positions would not be continued if times were tight.

- - - -

**(2:45 P.M.)\* RESOLUTION NO. 2002-40 - 78<sup>TH</sup> AMENDMENT TO AAR 01-200 TRANSFERRING \$35,700 FROM THE MAYOR’S YOUTH SERVICES CONTINGENCY TO MATH CONTRIBUTIONS COLLECTED BY VARIOUS YOUTH ORGANIZATIONS - MAYOR AUTRY**

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-40 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

- - - -

**(3:00 P.M.)** APPROVE THE PREPARATION AND SUBMITTAL OF AN AB 939 TIME EXTENSION AS PROVIDED FOR UNDER SENATE BILL 1066 REQUESTING THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) TO ALLOW THE CITY OF FRESNO THREE (3) ADDITIONAL YEARS TO ACHIEVE THE REQUIRED 50% SOLID WASTE DIVERSION REQUIREMENT OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT (AB 939)

A motion and second was made to approve staff's recommendation. **(7 - 0)** Councilmember Duncan stated he hoped this would not become a justification for eliminating private contractors and their ability to do business in the city, and suggested some type of sticker be devised to place on the recycling containers listing what was and what was not allowed in each container to assist residents. Discussion ensued with Interim Public Utilities Director McIntyre responding to questions and/or comments of Councilmembers Boyajian, Castillo and Ronquillo relative to whether the same recycling information given to apartment owners was also given to apartment dwellers, if this would enable residents with alley service to participate in the recycling program, if alley service residents would lose their containers, what the "aggressive implementation" plan was, when the mandate began, the City's responsibilities in recycling and meeting the mandate, privatization not always being the best way to go, if a three year extension was enough time, other cities that have complied, diversion, challenges with apartment complexes recycling, Fresno County's efforts, and creating drop-off sites throughout the city and offering incentives.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the Correction Plan for submittal to the California Integrated Waste Management Board as part of the SB 1066 Time Extension Request hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

- - - -

**(3:20 P.M.)** REQUEST FOR STATUS OF MID YEAR BUDGET REVIEW - PRESIDENT

President Perea advised a memorandum was received from the city manager and removed the item from the agenda.

- - - -

**(2A)** CONSIDER DRAFT 2025 FRESNO GENERAL PLAN STATS REPORT AND DIRECT STAFF TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH URS CORPORATION AND AUTHORIZE THE USE OF A PORTION OF THE FY 02 CONTINGENCY FOR PROFESSIONAL SERVICES RELATING TO THE PREPARATION OF THE GENERAL PLAN AND HOUSING ELEMENT

1. \* **RESOLUTION NO. 2002-41 - 74<sup>TH</sup> AMENDMENT TO AAR 01-200 TRANSFERRING \$50,000 OF CONTINGENCY FOR INCREASED COSTS OF PROFESSIONAL SERVICES FOR THE COMPLETION OF THE GENERAL PLAN**

A motion and second was made to approve staff’s recommendation and Planning/Development Director Yovino advised this issue was a follow up to prior Council direction.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the Development Director authorized to negotiate and execute an amendment to the professional services agreement with URS in an amount not to exceed \$208,502 for the preparation of the EIR and the updated Housing Element; the above entitled Resolution No. 2002-41 hereby adopted, and the use of the \$50,000 of FY 02 contingency/reserves to pay for expenses associated with the preparation of the 2025 Fresno General Plan hereby authorized, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

- (3A) APPROVE AND TERMINATE AGREEMENTS RELATING TO GENERAL FUND REVENUE GENERATION**
- 1. **AUTHORIZE THE CITY MANAGER OR DESIGNEE TO ENTER INTO A CONTRACT WITH MAXIMUS CONSULTING GROUP FOR A CITY-WIDE USER FEE STUDY, AS AMENDED, TO REFLECT MAXIMUS INC. INSTEAD OF MAXIMUS CONSULTING GROUP**
  - 2. **AUTHORIZE THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND ENTER INTO A CONTRACT WITH HdL COREN & CONE FOR PROPERTY TAX AUDIT AND CONSULTING SERVICES**
  - 3. **APPROVE TERMINATION OF AGREEMENT WITH MBIA MUNISERVICES COMPANY FOR TRANSIENT ROOM TAX COMPLIANCE SERVICES**

A motion and second was made to approve staff’s recommendations. Councilmembers expressed their support and commended staff and the administration for “zeroing” in on areas that needed to be looked at and being proactive. Upon the request of Councilmember Duncan, Controller Quinto advised staff had estimated and expected to see a modest amount of growth in the city’s assessed valuations yet the property tax installment remained “flat” or the same as last year and advised staff and a consultant would be checking, parcel by parcel, how the installments were being processed and how the city was getting the allocation. City Attorney Montoy stated it was her understanding the contract under #1 was with *Maximus Inc.*, not Maximus Consulting Group, whereupon the motion was amended to reflect Maximus Inc. Ms. Quinto advised the contracts were subject to City Attorney approval and that the associated AAR to pay for the contracts would be brought back next week.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the City Manager or designee authorized to enter into a contract with Maximus Inc. for a city-wide user fee study, subject to approval of the City Attorney’s office; the City Manager or designee authorized to negotiate and enter into a contract with HdL Coren & Cone for property tax audit and consulting services, subject to approval of the City Attorney’s office, for enhanced property tax revenues to the City’s General Fund; and termination of the current agreement with MBIA MuniServices Company for Transient Room Tax compliance services hereby approved, by the following vote:



Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

- - - -

**(5A) RESOLUTION NO. 2002-42 - SUPPORTING THE CALIFORNIA HIGH SPEED RAIL AUTHORITY'S SELECTION OF FRESNO AS THE LOCATION FOR THE CENTRAL VALLEY HIGH SPEED RAIL MAINTENANCE YARD - PRESIDENT PEREA AND COUNCILMEMBER CALHOUN**

A brief overview was given by Councilmember Calhoun.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-42 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

- - - -

**RECESS - 3:37 P.M. - 3:45 P.M.**

**(2:00 P.M. #2) CLOSED SESSION:**

**(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY CLERK**

**(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAMES:**

1. CLAIMS OF BARBARA HUNT (4 CLAIMS)
2. PATRIOT HOMES AND PATRIOT HOMES II V. CITY OF FRESNO

**(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME:**

1. CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS

The City Council met in closed session in Room 2125 at the hour of 3:45 p.m. to consider the above issues and reconvened in regular open session at 4:45 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Montoy announced in the matter of "B-1", the four claims of Barbara Hunt, the Council voted 6-1 to deny the claims with Councilmember Quintero absent.

- - - -

**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 4:47 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 5<sup>th</sup> day of February, 2002.

<hr/>	
Henry Perea, Council President	ATTEST: Yolanda Salazar, Assistant City Clerk